

REMARKS

In the Official Action of November 1, 2006, the Office required an election of one of the following inventions under 35 U.S.C. § 121:

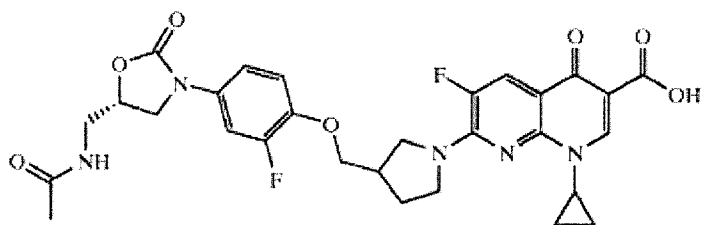
Group I: Claims 1-15 and 18-19, drawn to the use of a compound for the treatment of bacterial infections in an acidic environment, classified in class 514, subclass 210.210.

Group II: Claims 16-17, drawn to a pharmaceutical or a pro-drug for the treatment of bacterial infections in an acidic environment, classified in class 514, subclass 210.210.

Group III: Claims 18-19, drawn to a manufacture of medicaments for the treatment of bacterial infections, classified in class 514, subclass 210.210

In response to the Office's invention restriction requirement, Applicant elects to prosecute the invention of Group I, encompassing claims 1-15 and 18-19, drawn to the use of a compound for the treatment of bacterial infections in an acidic environment, classified in class 514, subclass 210.210.

The Office also requires election of a single disclosed species of formula (I). In response to the Office's species restriction requirement, Applicant elects to prosecute the species of formula (I) as disclosed in Example 42 (see ¶0110 of US Patent App. Pub. No. 2004/0132764), which is:



7-(3-(4-[5(S)-5-(Acetylamino-methyl)-2-oxo-oxazolidin-3-yl]-2-fluoro-phenoxy)methyl)-pyrrolidin-1-yl)-1-cyclopropyl-6-fluoro-4-oxo-1,4-dihydro-[1,8]naphthyridine-3-carboxylic Acid.

Applicant requests REJOINDER of the non-elected species upon allowance of any generic claims or claims directed to the elected species.

CONCLUSION

Applicant believes that the claim as presented represents allowable subject matter. If the Examiner desires, Applicant welcomes a telephone interview to expedite prosecution. Applicant believes there is a \$795 fee for a four month extension due at this time. The Commissioner is hereby authorized to charge any applicable fees to Deposit Account No. 19-3140.

Respectfully submitted,

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